

**ASSEMBLY BILL**

**No. 1410**

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**Introduced by Committee on Jobs, Economic Development, and  
the Economy (V. Manuel Pérez (Chair), Beall, Block, and Hueso)**

March 10, 2011

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An act to add the heading of Chapter 1 (commencing with Section 99500) to, to add Chapter 2 (commencing with Section 99520) and Chapter 3 (commencing with Section 99530) to, Title 20 of, and to repeal Chapter 8 (commencing with 8700) and Chapter 8.1 (commencing with 8710) of Division 1 of Title 2 of, the Government Code, and to amend Section 71103.5 of the Public Resources Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1410, as introduced, Committee on Jobs, Economic Development, and the Economy. State government: international relations.

Existing law requires the California-Mexico Border Relations Council to, among other things, coordinate activities of state agencies that are related to cross-border programs, initiatives, projects, and partnerships that exist within state government. Existing law also authorizes the Office of California-Mexico Affairs to develop better relations with Mexico by coordinating with state agencies to foster economic cooperation.

This bill would repeal, and recast those provisions relating to the California-Mexico Border Relations Council. This bill would repeal, and recast those provisions relating to the Office of California-Mexico Affairs.

This bill would also make various conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 8 (commencing with Section 8700) of  
2 Division 1 of Title 2 of the Government Code is repealed.

3 SEC. 2. Chapter 8.1 (commencing with Section 8710) of  
4 Division 1 of Title 2 of the Government Code is repealed.

5 SEC. 3. The heading of Chapter 1 (commencing with Section  
6 99500) is added to Title 20 of the Government Code, to read:

7  
8 CHAPTER 1. GENERAL PROVISIONS  
9

10 SEC. 4. Chapter 2 (commencing with Section 99520) is added  
11 to Title 20 of the Government Code, to read:

12  
13 CHAPTER 2. OFFICE OF CALIFORNIA-MEXICO AFFAIRS  
14

15 99520. The Legislature finds and declares the following:

16 (a) The United States and Mexican economies have become  
17 increasingly integrated, particularly since the 1994 adoption of the  
18 North American Free Trade Agreement, or NAFTA.

19 (b) This integration has brought both California and Mexico  
20 opportunities and challenges in the areas of economic development,  
21 labor relations, and environmental protection.

22 (c) The California Office of the Southwest Border Regional  
23 Conference (formerly commission) was established as part of a  
24 joint American border states effort to further and develop favorable  
25 relations with the six Mexican border states.

26 (d) The efforts of the California office of the conference continue  
27 to be an essential part of California's interaction with Mexico.

28 (e) It is important for the state and for the nation that state  
29 agencies continue to address important United States-Mexico  
30 issues.

31 (f) The Office of California-Mexico Affairs provides a focal  
32 point in state government to serve as a clearinghouse for  
33 information and assistance to other state agencies that are involved  
34 with Mexico.

1 99521. The following definitions shall govern the construction  
2 of this chapter:

3 (a) "Conference" means the Southwest Border Regional  
4 Conference.

5 (b) "Office" means the Office of California-Mexico Affairs.

6 99522. (a) There is in state government an Office of  
7 California-Mexico Affairs. Within this office the operations of the  
8 California Office of the Southwest Border Regional Conference  
9 shall be continued.

10 (b) The office succeeds to and is vested with all the duties,  
11 powers, purposes, and responsibilities vested in the California  
12 office of the conference and previously vested in the Commission  
13 of the Californias.

14 (c) The office shall have possession and control of all records,  
15 papers, offices, equipment, supplies, moneys, funds, appropriations,  
16 land, and other property, real or personal, held for the benefit or  
17 use of the California office of the conference, or previously held  
18 for the benefit or use of the commission, in the performance of the  
19 duties, powers, purposes, responsibilities, and jurisdiction of the  
20 California office of the conference or the commission.

21 99523. The members of the Southwest Border Regional  
22 Conference shall be the Governors of the four American border  
23 states. The California member of the conference is the Governor  
24 of California or his designee.

25 99524. The office shall further and develop favorable relations  
26 with the State of Baja California, the State of Baja California Sur,  
27 other Mexican states bordering on the United States, and the  
28 remaining states and territories of the Republic of Mexico  
29 necessary for the completion of the office's tasks. The office shall  
30 cooperate with similar organizations and agencies situated within  
31 California, the United States, or Mexico, to further economic  
32 development, improve working conditions and living standards,  
33 and foster the protection and improvement of the environment in  
34 Mexico and California. The office shall avail itself of the services  
35 of the San Diego State University, which is engaged in educational,  
36 cultural, and research activities with Mexico. The office shall be  
37 responsible for carrying out the ongoing responsibilities of the  
38 Southwest Border Regional Conference.

39 99525. The Governor shall appoint a director of the office. The  
40 director may appoint and employ any personnel that he or she

1 deems necessary to carry out the functions of the office. The office  
2 may incur all necessary expenses to effectuate its purposes and  
3 may accept grants from federal and state agencies. The office may  
4 also accept funds from private organizations or individuals in order  
5 to assist the office in the accomplishment of its functions as set  
6 forth in this chapter.

7 99526. Members and employees of the office may travel outside  
8 of California and may hold hearings and conduct investigations  
9 within and outside of the state whenever necessary to carry out  
10 the duties set forth in this chapter. Members and employees may  
11 acquire any available information from any governmental agency  
12 within the United States or Mexico necessary for the completion  
13 of their tasks.

14 99527. The office shall be responsible for the establishment  
15 of committees in those topic areas deemed necessary by the  
16 director. Recommendations of the committees shall not be binding  
17 on the Governor or the Legislature but shall only be advisory in  
18 nature.

19 SEC. 5. Chapter 3 (commencing with Section 99530) is added  
20 to Title 20 of the Government Code, to read:

21  
22 CHAPTER 3. CALIFORNIA-MEXICO BORDER RELATIONS COUNCIL  
23

24 99530. The following definitions shall apply to this chapter:

25 (a) "Border" means the line of demarcation between California  
26 and Mexico.

27 (b) "Council" means the California-Mexico Border Relations  
28 Council.

29 (c) "Public agency" means a city, county, city and county,  
30 district, or the state or any agency or department of the state.

31 99531. (a) The California-Mexico Border Relations Council  
32 is hereby established in state government. The council shall consist  
33 of the Natural Secretary of the Resources Agency, the Secretary  
34 for Environmental Protection, the Secretary of Health and Human  
35 Services, the Secretary of Business, Transportation and Housing,  
36 the Secretary of Food and Agriculture, and the Director of  
37 Emergency Services.

38 (b) The Secretary for Environmental Protection shall chair the  
39 council.

40 99532. The council shall do all of the following:

1 (a) Coordinate activities of state agencies that are related to  
2 cross-border programs, initiatives, projects, and partnerships that  
3 exist within state government, to improve the effectiveness of state  
4 and local efforts that are of concern between California and  
5 Mexico.

6 (b) Establish policies to coordinate the collection and sharing  
7 of data related to cross-border issues between and among agencies.

8 (c) Identify and recommend to the Legislature changes in law  
9 needed to achieve the goals of this section.

10 99533. Beginning January 1, 2008, the council shall submit a  
11 report to the Legislature on the council's activities annually.

12 SEC. 6. Section 71103.5 of the Public Resources Code is  
13 amended to read:

14 71103.5. (a) The Legislature finds and declares all of the  
15 following:

16 (1) The New River poses an imminent and severe threat to the  
17 public health of residents of Calexico, California, and adjacent  
18 communities in Imperial County. Since the 1940s, the New River  
19 has been recognized as a significant pollution and human health  
20 problem, primarily because of extremely high concentrations of  
21 fecal coliform bacteria.

22 (2) While there have been recent measurable water quality  
23 improvements as a result of sewage infrastructure projects  
24 implemented and completed during the last 10 years in Mexicali,  
25 Mexico, the residual and projected pollution in the New River  
26 coming from Mexico remains a significant threat to public health  
27 and the environment.

28 (3) Current bacteria levels in the New River are several orders  
29 of magnitude above the state standards for bacteria. Based on these  
30 levels and the historic levels of pollution, the waterway is believed  
31 to carry pathogens that cause tuberculosis, encephalitis, polio,  
32 cholera, hepatitis, and typhoid. The waterway also carries other  
33 contaminants in concentrations that are in violation of federal,  
34 state, and Mexican water quality standards by several hundredfold.

35 (4) The New River is listed as an impaired river by the United  
36 States Environmental Protection Agency due to low dissolved  
37 oxygen (DO) and the presence of chlordane, chlorpyrifos, copper,  
38 dichloro-diphenyl-trichloroethane (DDT), diazinon, dieldrin,  
39 mercury, nutrients, pathogens, polychlorinated biphenyls (PCBs),

1 sediment, selenium, toxaphene, toxicity, trash, and volatile organic  
2 compounds (VOCs).

3 (5) The New River is a major contributor of pollution to the  
4 Salton Sea, and failure to address water quality problems in the  
5 New River are impeding the ability of the state to implement laws  
6 and programs designed to restore and protect this important  
7 environmental and wildlife habitat resource.

8 (6) The New River condition in the border area is also an  
9 aesthetic nuisance for Calexico residents and has historically  
10 inhibited the city's socioeconomic well-being and growth.

11 (7) A coordinated and comprehensive state strategy is needed  
12 to deal with the residual and projected pollution so that the New  
13 River and associated river channel can be enhanced to a condition  
14 that will allow the residents of Calexico and Imperial County to  
15 utilize them as recreational and natural assets as contemplated in  
16 the California River Parkways Act of 2004 (Chapter 3.8  
17 (commencing with Section 5750) of Division 5).

18 (8) In the Budget Act of 2009, as amended by Chapter 1 of the  
19 Statutes of 2009 Fourth Extraordinary Session, eight hundred  
20 thousand dollars (\$800,000) was appropriated to the City of  
21 Calexico for various planning needs necessary to develop a river  
22 parkway plan and river improvement project for the New River.  
23 The moneys were appropriated in order to secure and serve as  
24 matching funds for the four million dollars (\$4,000,000) allocated  
25 pursuant to the Safe, Accountable, Flexible, Efficient  
26 Transportation Equity Act: A Legacy for Users (Public Law  
27 109-59) to the City of Calexico for the development of bicycle  
28 paths and public park space adjacent to the New River.

29 (9) The City of Calexico, as the recipient of funding pursuant  
30 to the California River Parkways Act of 2004, has agreed to provide  
31 necessary financial support to the council for the development of  
32 the council's strategic plan.

33 (b) As used in this section, the following terms have the  
34 following meanings:

35 (1) "Agency" means the California Environmental Protection  
36 Agency.

37 (2) "City" means the City of Calexico, California.

38 (3) "Council" means the California-Mexico Border Relations  
39 Council established pursuant to Section ~~87H~~ 99531 of the  
40 Government Code.

1 (4) “County” means the County of Imperial, California.

2 (5) “IBWC” means the International Boundary and Water  
3 Commission, United States Section.

4 (6) “New River Improvement Project” or “project” means a  
5 project to study, monitor, remediate, and enhance New River water  
6 quality in the County of Imperial to protect human health, and  
7 develop a river parkway suitable for public use and enjoyment.

8 (c) Pursuant to the authority granted to the council under Section  
9 ~~8742~~ 99532 of the Government Code and contingent upon the  
10 execution of an agreement with the City of Calexico for the purpose  
11 of providing the necessary funding, the council shall develop a  
12 strategic plan to guide the implementation of the New River  
13 Improvement Project. The strategic plan shall include, but need  
14 not be limited to, all of the following elements:

15 (1) Quantification of current and projected New River water  
16 quality impairments and their threat to public health.

17 (2) Prioritization of the actions necessary to protect public health  
18 and to meet New River water quality objectives and other  
19 environmental goals, such as improving the quality of water flows  
20 into the Salton Sea.

21 (3) Identification of potential funds for the implementation of  
22 the project, and potential lead agencies that would be responsible  
23 for environmental review of activities related to the cleanup and  
24 restoration of the New River.

25 (4) Identification of the appropriate federal, state, and local  
26 agencies with a role in implementing and achieving the New River  
27 Improvement Project.

28 (d) (1) To the extent permitted by law, the council may work  
29 with appropriate binational, federal, state, local, and  
30 nongovernmental organizations on both sides of the  
31 California-Mexico border to develop the strategic plan and to fund  
32 and establish cooperative water quality monitoring, public health  
33 studies, inspection, and technical assistance programs as needed  
34 to support, convene, and oversee the project.

35 (2) To further the objectives of this subdivision, the council  
36 may convene and oversee a technical advisory committee. The  
37 advisory committee shall advise the council regarding the necessary  
38 studies and activities to carry out the project, and shall serve at the  
39 pleasure of the council. The advisory committee shall include  
40 representatives from the following:

- 1 (A) Impacted cities and counties.
- 2 (B) Relevant local, regional, and state agencies and departments.
- 3 (C) Nongovernmental organizations.
- 4 (D) Other stakeholders deemed necessary by the council.
- 5 (3) The council shall appoint the chair of the committee and
- 6 may expand the membership and expertise of the committee as it
- 7 deems necessary.
- 8 (4) The council may enter into an agreement, including an
- 9 interagency agreement and memorandum of understanding, with
- 10 public agencies, including the city, to accept, manage, and expend
- 11 funds for the implementation of this section.
- 12 (e) This section does not modify existing roles, responsibilities,
- 13 or liabilities of the State of California, the City of Calexico,
- 14 Imperial County, or any other governmental agency, under those
- 15 laws that regulate, protect, and clean up surface waters entering
- 16 the United States from Mexico.
- 17 (f) The New River Improvement Project Account is hereby
- 18 created in the California Border Environmental and Public Health
- 19 Protection Fund to receive moneys for activities related to the New
- 20 River Improvement Project from sources identified in Section
- 21 71101 and other sources. Upon appropriation by the Legislature,
- 22 moneys in the account shall be expended to implement the purposes
- 23 identified in subdivision (c) or Section 71102 that are related to
- 24 the New River.